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# **ST. LAWRENCE- EASTERN ONTARIO COMMISSION**

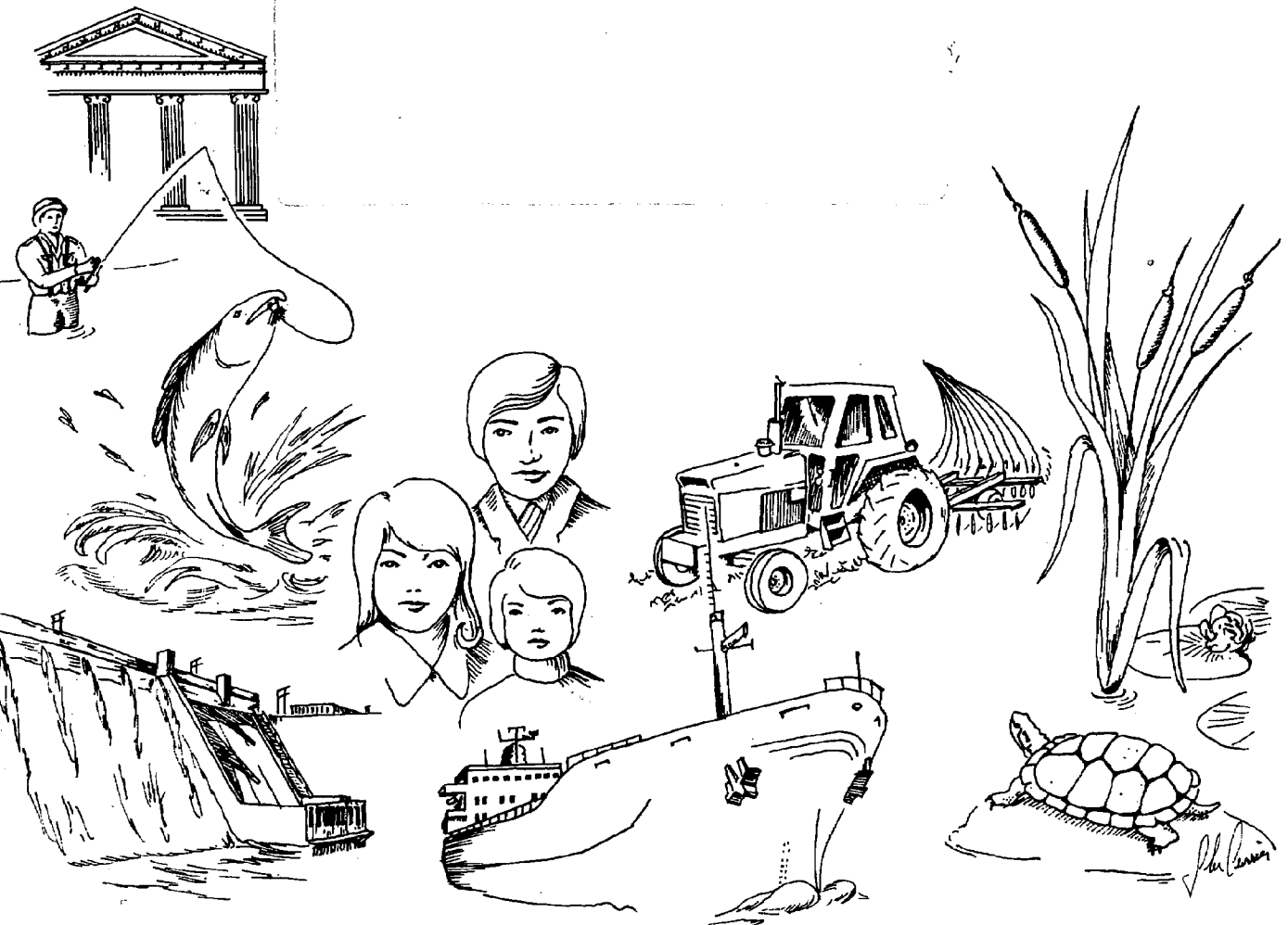
COASTAL ZONE  
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*New York Coastal Zone Management Program*

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1977

**Technical Report Series**



11287

COASTAL ZONE  
INFORMATION CENTER

TECHNICAL MEMORANDUM

ON

PUBLIC AND

GOVERNMENTAL INVOLVEMENT

U. S. DEPARTMENT OF COMMERCE NOAA  
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New York Coastal Zone Management Program

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Technical Memorandum

Public Participation/Intergovernmental Involvement

June 6, 1977

A key element of the SLEOC work program task 12.3.4 is public participation and intergovernmental involvement.

One of the main objectives of SLEOC is to encourage the maximum feasible involvement of both public and other agencies of government. This is accomplished in the following ways:

Membership on the Commission

Currently, the Commission comprises seventeen members, including fourteen appointed by the Governor; the Commissioner of the Department of Environmental Conservation (DEC), the Commissioner of Commerce, and the Secretary of State serve as ex-officio members. Of the fourteen appointed members, twelve are residents of the four counties involved and two are members-at-large from the state outside the commission's service area. This was intended to bring statewide attention to the program. The commission uses several methods to involve citizens in its on-going resource planning and management program.

- . citizen advisory committees
- . public meetings
- . meetings with local government officials
- . surveys
- . coordination with League of Women Voters
- . mailings to citizens advisors and interested/concerned parties
- . liaison with state coastal zone citizen advisory committee

Citizen Advisory Committees - About 150 citizens have volunteered without payment to provide direction and guidance to the Commission's program. The service area has been divided into six planning subareas, and citizen committees have been organized geographically by planning subarea. These planning subareas are as follows: I Northern Cayuga-Oswego, II Mexico Bay, III Eastern Lake

Ontario Bays, IV Thousand Islands, V Ogdensburg-Morristown, VI Lake St.

Lawrence.

The Commission held separate meetings with each of the citizen advisory committees in April 1976. These meetings gave the citizen advisors an overview of the Commission's program, and the state of the area's coastal resources. In addition, the citizen advisors offered comments on the Commission's draft technical reports.

The primary role of the citizen advisors has been to review draft Commission reports and make comments. This has been fairly successful in providing the Commission with public desires for use and protection of coastal resources.

In late June and early July 1977 the Commission will hold a series of information meetings with the six citizen advisory committees. The purposes of these sessions will be to give the citizen advisors a technical orientation and to bring them up-to-date with the current status of the SLEOC CZM program. These sessions will also serve to gather feedback on the Commission's forthcoming report of findings on the area's coastal resources.

Public Meetings--In the past the Commission has successfully conducted public information sessions to foster public input and involvement in resource management and problem-solving. The agency will continue to use this method as it develops a coastal zone management plan for its service area.

For example, the Commission sponsored public meetings concerning what should be done in the wake of a June 1976 oil spill on the St. Lawrence River. In addition, the Commission met with an ad hoc citizen group concerned with oil spill clean-up. This group is providing assistance as the Commission coordinates a two-year \$225,000.00 economic and environmental assessment of the June oil spill for the U. S. Environmental Protection Agency.

Meetings With Local Government Officials--Besides meetings for individual citizens, the Commission keeps local government officials and planning boards informed of Commission activities with frequent mailings. Three Regional meetings

have been held with local officials to explain the CZM program and their relationship to it. SLEOC staff attends meetings of regional and county planning boards and reviews their development plans to insure compatibility. Meeting reports are prepared after each session and copies are sent to each agency having jurisdictional interest.

SLEOC has given emphasis to local planning by adding a staff member whose primary responsibility is to provide assistance to local government officials, planning boards, zoning board of appeals as well as town and village boards. The commission has drafted a model sanitary code for towns to use in developing their own (a copy of this model is contained in the appendix).

#### Surveys

The Commission uses surveys to gather public information as well as obtain specific data on local programs. Two major surveys have been undertaken.

A coastal resources user survey was undertaken in February, 1976. The Commission mailed questionnaires to 1,100 property owners within the agency's service area.

The survey asked residents to respond to a variety of subjects, including why they selected the region as a recreation area, the environmental and other problems they perceived as most important, environmental quality, and changes they would desire. In addition, residents were asked what specific coastal resources they used, their expenditure pattern in the area, and their views on resource management.

In the summer of 1976 the Commission conducted field surveys of tourists and other transient users of the area's recreation resources. These personal interviews were made at public and private day use and extended-stay facilities.

In March 1977 a survey was mailed to local government officials in all 45 municipalities within the SLEOC boundary. The objective of this survey was to update the status of their land use regulations. This survey gives an accounting of the current status (June 1977) of local planning programs and is updated annually. (A tabular summary of the survey is contained in the

appendix.)

Coordination With League of Women Voters--The League has been given federal funds to help publicize the CZM program and to increase public input.

The Commission sponsored a meeting with area League representatives in November 1976 in order to integrate agency and League activities. The local League chapters have planned informational activities for February 1977, including a special program over the region's educational TV station and a public information meeting.

Mailings to Citizen Advisors and Other Interested Parties--In order to gather public and agency response to Commission proposals, the agency maintains a mailing list of more than 500 names. In addition to citizen advisors, the list includes local government officials, state and federal elected officials, and special interest groups.

Liaison With State Coastal Zone Citizen Advisory Committee--Commission meetings are attended by William F. Chamberlain of Mannsville, New York, as an observer, at the Commission's request. Mr. Chamberlain represents the St. Lawrence-Eastern Ontario coastal area on the state coastal zone citizen advisory committee. This insures closer interaction between the local and state CZM effort.

## II. PUBLIC INFORMATION

The Commission carries on an extensive public information program, recognizing the need to inform citizens on Commission activities and the importance of coastal resources to area residents, visitors, and the region's economy.

Aspects of this public information program include:

- . Use of the news media
- . Speaking engagements
- . Publications
- . Response to inquiries

Use of the News Media--The Commission uses news releases to area news media in order to keep the public informed of important Commission activities and program. To illustrate the frequency of news releases, more than 50 releases concerning Commission activities were made between April 1975 and December 1976.

Arrangements are made as appropriate to have Commission staff members and Commissioners appear on area radio and television news and interview shows. This has been effective in reaching the large number of people who rely on electronic media for their news and information.

Publications--The Commission publishes reports and information materials concerning the agency, its programs, and studies. Reports are sent to public and college libraries throughout the service area and New York State as appropriate in order to give citizens an opportunity to read these documents. Placement of Commission reports in libraries is announced through the news media.

Of particular significance to the participatory process is the commission's recent report "Program Summary for Interested Citizens." This report outlines the SLEOC coastal management program in lay language and includes a summary of the programs requirements. (A copy of this report is contained in the appendix of this report.)

Speaking Engagements--The Commission has found this to be one of the most effective ways to explain coastal resource planning and management and to get public feedback to its programs. Staff members have spoken to diverse audiences, including service clubs, special citizen interest groups, environmental groups, Chambers of Commerce, and high school students.

Since April 1975, Commission staff members have spoken to more than a thousand people through this approach. Often the question and answer sessions are the most productive part of these speaking engagements.

Response to Inquiries--The Commission receives many individual requests from citizens and groups for information about the agency, its programs, coastal resource planning, and related subjects. This personalized service is considered very important, paying back large dividends in distributing factual information, correcting misimpressions, and creating goodwill.

APPENDIX A

Tabular Summary

Survey of Local Planning Programs



Y = Yes  
 0 = No  
 \* = In process

#### PLANNING AREA I

##### Cayuga County

Town of Sterling  
 Village of Fair Haven

##### Oswego County

Town of Oswego  
 City of Oswego  
 Town of Scriba

#### PLANNING AREA II

##### Oswego County

Town of New Haven  
 Town of Mexico  
 Village of Mexico  
 Town of Richland  
 Village of Pulaski  
 Town of Sandy Creek  
 Village of Lacona  
 Village of Sandy Creek

##### Jefferson County

Town of Ellisburg  
 Village of Ellisburg  
 Village of Mannsville

Building Inspector	0	Y	Y	Y	Y	0	(3)	0	0	Y	Y	0	Y	Y	Y	0	0	Y	Y	Y	0	(4)
Engineer	0	0	0	Y	Y	0	(1)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	(0)
Sign Ordinance	0	0	0	Y	Y	0	(1)	0	0	0	Y	Y	0	0	0	0	0	0	Y	0	0	(3)
Campground	0	Y	0	0	0	0	(1)	0	0	0	Y	Y	0	0	0	0	0	Y	0	0	0	(2)
Junk Car Ordinance	1969	1970	0	Y	Y	0	(3)	0	Y	Y	Y	Y	0	0	0	0	0	Y	0	Y	Y	(5)
Mobile Home Ordinance	1972	1965	1973	0	0	0	(3)	0	Y	Y	Y	Y	Y	0	0	Y	1970	Y	0	Y	Y	(8)
Housing Code	0	Y	0	0	0	0	(1)	0	0	0	0	0	0	0	0	0	0	Y	0	0	0	(1)
Building Code	0	Y	0	0	0	0	(1)	0	0	1974	0	1958	0	0	Y	0	0	0	0	Y	Y	(4)
Sanitary Code	Y	1968	0	1970	0	0	(3)	0	1973	0	Y	1971	0	0	0	1967	Y	1969	Y	Y	Y	(7)
Wetland Regulations	1976	0	0	0	0	0	(1)	0	0	Y	0	*	0	0	0	0	0	0	0	0	0	(1)
Flood Plain Regulations	0	0	0	Y	0	0	(1)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	(0)
Subdivision Regulations	1968	0	Y	0	0	0	(2)	0	0	0	Y	1957	*	0	0	0	Y	0	0	0	0	(2)
Zoning Ordinance	1976	1976	1973	1959	0	0	(4)	0	1976	0	1957	1973	1974	*	0	0	1971	1971	1972	0	0	(7)
Plan Prepared	1976	1977	0	1959	0	0	(3)	0	0	0	0	1964	*	0	0	0	0	1969	0	0	0	(2)
Zoning Board of Appeals	*	1975	Y	1959	0	0	(3)	0	Y	0	1957	1961	*	0	0	0	1971	Y	Y	Y	Y	(7)
Planning Board	1976	Y	Y	Y	1969	0	(5)	Y	0	0	1970	1956	1976	0	Y	0	0	0	Y	Y	Y	(6)
Population (1970)	77,439	2,589	859	100,897	3,583	23,844	3,619	1,845	4,174	1,555	5,324	2,480	2,664	556	731	88,508	3,385	337	494			
Land Area (square miles)	46.7	1.79	27.3	7.8	40.8		TOTAL	32.1	47.1	2.0	57.2	3.5	43.6	1.06	1.49	84.3	1.6	.96				



Y = Yes  
 0 = No  
 \* = In process

PLANNING AREA V

St. Lawrence County

Town of Morristown  
 Village of Morristown  
 Town of Oswegatchie  
 Village of Heuvelton  
 Town of Lisbon  
 City of Ogdensburg

PLANNING AREA VI

St. Lawrence County

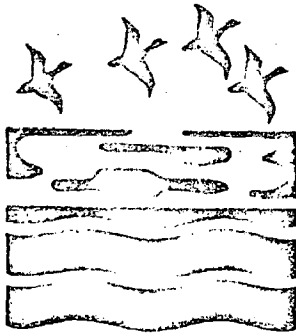
Town of Waddington  
 Village of Waddington  
 Town of Louisville  
 Town of Massena  
 Village of Massena

Building Inspector	0	0	0	0	0	0	Y	(1)	0	Y	Y	Y	Y	(4)	21
Engineer	0	Y	0	0	0	0	Y	(2)	0	0	0	0	Y	(1)	7
Sign Ordinance	0	0	0	0	0	0	Y	(1)	0	0	0	0	Y	(1)	9
Campground	0	0	0	0	0	0	0	(0)	0	0	0	0	0	(0)	4
Junk Car Ordinance	0	Y	0	Y	Y	1960	Y	(4)	0	0	0	0	0	(0)	24
Mobile Home Ordinance	0	Y	0	Y	Y	1954	Y	(4)	Y	Y	Y	Y	Y	(5)	29
Housing Code	0	1975	0	0	0	0	1975	(2)	0	0	0	1976	1968	(2)	6
Building Code	0	1975	0	0	0	0	1975	(2)	0	1954	1970	1976	1954	(4)	18
Sanitary Code	0	1975	0	0	0	0	1975	(2)	*	*	1976	0	0	(1)	19
Wetland Regulations	0	0	0	0	0	0	0	(0)	0	0	0	0	0	(0)	3
Flood Plain Regulations	0	0	0	0	0	0	0	(0)	0	0	0	0	0	(0)	8
Subdivision Regulations	0	1975	*	1975	1975	0	1970	(3)	0	0	1972	1975	1975	(3)	12
Zoning Ordinance	0	1975	*	1975	1975	0	1973	(3)	0	1954	1972	1975	1975	(4)	27
Plan Prepared	0	1975	0	1972	1970	1970	1970	(3)	0	0	1972	1958	1956	(3)	13
Zoning Board of Appeals	0	1975	0	1975	1960	1960	1960	(3)	0	1954	1970	1954	1941	(4)	26
Planning Board	0	1975	1972	1972	Y	1960	1960	(5)	1974	1954	1970	1954	1953	(5)	28
Population (1970)	1,823	532	3,162	770	3,271	14,554	TOTAL		2,054	955	2,727	16,021	14,042	TOTAL	
Land Area (square miles)	46.4	1.0	67.6	.71	108.8	3.0	TOTAL		56.2	2.32	59.9	52.2	4.0	GRAND TOTAL	

APPENDIX B

Model Provisions

Outline and Draft Model Sanitary Code



# ST. LAWRENCE-EASTERN ONTARIO COMMISSION

317 WASHINGTON ST., WATERTOWN, N. Y. 13601

PHONE (315) 782-0100

EXTENSION 263-4

CHARLES W. KELLY, Chairman

WILLIAM E. TYSON, Executive Director

April 18, 1977

TO: Local Government Officials

FROM: James W. Hanson *[Signature]*

SUBJECT: Outline of the Draft Model Sanitary Code  
(Incorporates the NYS Department of Health "Waste Treatment Handbook on Individual Household Systems")

## Outline

### Introductory Provisions

1. Short Title
2. Applicability--governs OSSDs in the town
3. Authority--Article 3 Public Health Law  
Article 27 of the Executive Law

### General Provisions

1. Prohibited Acts
  - a. Provides that no person can install systems or discharge sewage except in compliance with the ordinance.
  - b. Individuals cannot use systems that are unsafe, pollute, or permit sewage to leach to ground surface.
  - c. Person cannot abandon systems unless they fill them up--(insures that the system will not later collapse).

### 2. Definitions

### Individual Sewage Disposal Systems Standards

1. Requires compliance with standards contained in code.
2. Incorporation of DOH standards.
  - a. Makes DOH recommended separation distances mandatory.

- b. Minimum depth of 5 feet between impervious soil material and bottom of leaching facilities. Minimum depth of 2 feet between seasonal high ground water table and leaching facility bottom, except within 200 feet of water this depth increases to 4 feet.
- c. Seepage pits cannot be connected in a series.
- d. ASTM Specifications for materials that are to be used in a sewage disposal system.
- e. Standards for holding tanks.

#### Pre-existing Systems

- 1. Local Provisions
  - a. Pre-existing system allowed to remain if they are working well.
  - b. Minor repairs have to use approved materials; major repairs have to be consistent with all requirements in regulation. Review officer makes determination.
  - c. Must obtain permit for repair.
- 2. Within 3 years all systems in town must be *at title* operating according to a permit..
  - a. Owners or leasees are required to submit application.
  - b. If system never receives permit from town, DOH or DEC, applicant must show compliance with this order or modify system.
  - c. If applicant can show one or the above permits, he is issued town permit.
- 3. Alternative
  - a. Don't review pre-existing systems.
  - b. Review on a selective basis.

#### Alternative Systems

- 1. Purpose of Article.
- 2. Alternative systems must be approved by Board of Health, rather than review officer. This body is given the authority to impose conditions.
- 3. Application requirements (same as for ordinary permit).

4. Allows for individual to:
  - a. Build closer to water than allowed by ordinance.
  - b. Build on a smaller lot than allowed in the ordinance.
  - c. Build a system that is not covered in the ordinance.
  - d. In case of alternative distance and lot size proposal, applicant has to show practical difficulty or unnecessary hardship and that his proposal could not be detrimental to health, safety, welfare and environmental quality of the community.
  - e. In case of alternative system proposals, applicant has to show:
    - 1) If it has DOH or DEC approval, applicant merely has to show compliance with separation requirements and no detrimental effects to the community.
    - 2) If it does not have a permit from DEC or DOH, applicant must show:
      - a. Extreme hardship.
      - b. Exceptional circumstances.
      - c. Approval is necessary for preservation of property right.
      - d. System will not be detrimental to environment or health (must show this beyond reasonable doubt).
  - f. Provisions for public hearing in alternative system application.
  - g. Permit procedure for alternative systems..

#### Administrative Provisions

1. Development Administrator appointed by Town Board. His decision is appealed to this body.
2. Town Clerk is required to keep records.
3. Indicates who prescribes funds and determines application fees.

4. Prescribes rules for public hearings (e.g., contents of notice, parties, etc.)
5. Rules for appeals of decisions of the development administrator to Town Board (e.g., time limits, parties, form of board decision).
6. Procedures for site inspections
  - a. Authorizes the development administrator to conduct site inspections to insure that all systems in the town are functioning properly. Authorizes development administrator to order defects to be corrected, within a fixed period of time.
7. Procedures for application for permit
  - a. Allows for emergencies to be repaired without application.
  - b. Describes who can apply.
  - c. Indicates contents of application.
    - 1) Site data, test data.
    - 2) Suggestion: allow development administrator to conduct investigations or field tests to verify information contained in application; or require the applicant to certify compliance with the ordinance.
    - 3) Indicates how tests are to be performed.
    - 4) Requires inspection of a system to be undertaken within 72 hours after completion or work or allows work to be covered and reopened at discretion of development administrator.
8. Indicates basis on which the development administrator may disapprove a system:
  - a. Non-compliance with ordinance.
  - b. Failure to pay required fees.
  - c. Failure to supply all necessary data within prescribed time limit.



9. Requires recording of permits.
10. Requires that approved system be installed within two years of date of issuance of permit.

#### Enforcement

1. Allows for a fine of not more than \$500 for violations. Each day of violation is a separate offense.
2. Allows town to invoke any other civil remedy to stop offense.
3. Provision to the effect that misrepresentation by applicant will result in nullifying any permit issued.

#### Miscellaneous Provisions

1. Provides that the provisions of this ordinance are to be binding where they are more restrictive than other ordinances.
2. Provision that unconstitutional sections are severed from the ordinance and should not be construed to jeopardize other provision.
3. Provides effective date of the Act.

cc: Kelly  
Tyson  
Hansen  
Bennett

Proposed  
Town of Waddington  
Sanitary Regulations

Prepared by:  
Town of Waddington Planning Board

May 13, 1977

## ARTICLE I

### INTRODUCTORY PROVISIONS

#### SECTION 1.010 SHORT TITLE.

This order shall be known as the Town of Waddington individual sewage disposal system order. The Town of Waddington is hereinafter referred to as the "town".

#### SECTION 1.020 APPLICABILITY.

This order shall govern the disposal of sewage and the design of all sewage disposal systems within the town except that this order shall not govern the design of, installation of, or disposal of sewage by means of a sanitary or combined sewer.

#### SECTION 1.030 AUTHORITY.

Enactment of this order is pursuant to Article 3 of the Public Health Law and Article 27 of the Executive Law of the State of New York.

#### SECTION 1.040 PURPOSES AND OBJECTIVES OF THE ORDER.

The purpose of this order is to promote the health, safety and general welfare of the community by insuring that sewage and other wastes are disposed of in a manner that will not create a health hazard, adversely affect the environment, or impair the enjoyment or use of property.

## ARTICLE II

### GENERAL PROVISIONS

#### SECTION 2.010 PROHIBITED ACTS.

- A. Except as hereinafter provided, it shall be unlawful for any person to construct, alter, repair or extend any facility or part of such facility intended or used for, the discharge of sewage.
- B. It shall be unlawful for any person to cause to be discharged, within the town, any sewage except by systems designed, installed, and approved in accordance with the requirements of this order.

- C. It shall be unlawful for any person to dispose of salt wastes from water softeners except by depositing such wastes in a sanitary landfill or similar waste disposal area.
- D. It shall be unlawful for any person to use or maintain any individual sewage disposal system that is unsafe, is a source of pollution to any of the surface waters of the state, permits the seepage of sewage to ground surface, or interferes with the enjoyment or use of property.
- E. It shall be unlawful for any person to abandon the use of a septic tank or seepage pit, unless at the time of such abandonment, the septic tank is filled with clean, granular soil or inert, free-flowing, dense material.

#### SECTION 2.030 DEFINITIONS.

- "Application Rate" - the rate at which septic tank effluent is applied to a subsurface absorption trench or pit, for design purposes, expressed in gpd/ft.<sup>2</sup>
- "Baffle" - a flow deflecting device used in septic tanks to check or inhibit the velocity of a stream of flow and the discharge of floating and suspended solids. See Sanitary Tee.
- "Building" - means a structure wholly or partially enclosed with exterior or party walls, and a roof, affording shelter to persons, animals or property.
- "Building Drain" - means that part of the lowest piping of a drainage system which receives the discharge of soil, wastes, and other drainage pipes inside the walls of the building and conveys such discharges to the building sewer. The building drain extends at least 3 feet outside the building wall.
- "Building Sewer" - that part of the drainage system which extends from the end of the building drain and conveys its discharges to an individual sewage disposal system, public sewer, private sewer, or other approved point of disposal.
- "Cleanout" - an opening providing access to sewage disposal devices (house sewer, septic tank, distribution box) which allows for the cleaning or purging of materials and obstructions.

"Combined Sewer" - means a sewer receiving both surface runoffs and sewage.

"Community water supply system" - means a centrally managed system serving more than one user from one or more intakes by transporting water from such source(s) by means of which the users property receives water from off the site by means of a conduit.

"Distribution Box"- a device used to uniformly distribute sewage to the distribution lines.

"Emergency repairs" - are repairs designed to prevent or abate an imminent threat to the public health, safety or welfare caused or about to be caused by an individual sewage disposal system.

"Existing grade" -means the natural topography of land prior to construction activity.

"Final Grade" - the elevation that ground will have at the conclusion of cutting, filling or other site work.

"Garbage" - means organic solid wastes from domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage and sale of produce.

"Grade" - the slope of a line of pipe, trench bottom, or ground surface in reference to a horizontal surface.

"Gravel" - means a mixture of mineral soil particles whose individual diameters range from 1/4" to 3 inches.

"Groundwater" - Soil moisture occupying a zone of saturated soil which has a thickness of at least 6" for at least a two week period during the average water year.

"Impervious material" - means material with a percolation rate of slower than sixty (60) minutes per inch.

"Individual sewage disposal system" - means a sewage disposal system, other than a public sewer system, which receives sewage.

"Industrial wastes" means any liquid, gaseous, solid, or waste substance or a combination thereof resulting from any process or industry, manufacturing, trade, or business or from development or recovery of any natural resources.

"In existence" means with respect to individual sewage disposal systems that such structure has been substantially commenced or completed.

"Invert" - means the bottom most point of an open conduit or the bottom most point on the inside of a closed conduit.

"Leaching facility" means any structure that is designed to distribute sewage in or onto soil. See seepage pit or tile field.

"Major alteration" - see Major repair.

"Major repair" - means any remedial measure directly affecting at least 1/2 of leaching device, distribution box, or septic tank of an individual sewage disposal system.

"Mean High Water Mark" means the average elevation or boundary of the annual high water levels for any given location along a lake, pond, river or stream.

"Minor alteration" - see minor repair.

"Minor repair" - is any remedial measure not defined as a major repair, major alteration, or extension.

"Percolation" - the movement of water downward through the pores of a soil or other porous medium following infiltration through the soil surface.

"Privy" - a building fixed to a vault or pit, equipped with seating to allow for excretion of body waste.

"Pre-existing individual sewage disposal system" - means any individual disposal system that was lawfully in existence prior to (effective date of [order] [regulation] ).

"Sanitary Tee" - pipe fitting used in septic tanks to reduce flow velocities so as to increase solids settling in the tank and prevent carry-over of solids. See Baffle.

"Seepage pit" - a covered, underground pit with a permeable lining that permits the infiltration of treated sewage to the surrounding soil.

"Sewage" -the combination of human and household waste with water which is discharged to the home plumbing system; the waste from a flush toilet, bath, sink, lavatory, dishwashing or laundry machine, or the water-carried waste from any other fixture or equipment or machine.

"Structure" - means an assembly of materials forming a construction framed of component parts for occupancy or use.

"Subsurface absorption system" - means seepage pits or tile fields.

"Tile field" - means an area in which open joint or perforated piping is laid in gravel trenches or excavations for the purpose of distributing the effluent discharged from an individual private treatment device for absorption into the soil.

"Toilet wastes" - means human excretion and toilet flushing fluid.

"Usable soil" -means all soil with a percolation rate faster than one (1) inch in sixty minutes.

"Wetlands" - means any land which is annually subject to periodic flooding or continual inundation by water and commonly referred to as a bog, swamp or marsh.

### ARTICLE III

#### INDIVIDUAL SEWAGE DISPOSAL SYSTEMS

##### SECTION 3.010 COMPLIANCE.

Individual sewage disposal systems shall comply with the specifications and standards set forth in the following sections.

##### SECTION 3.020 INCORPORATION OF N.Y.STATE DEPARTMENT OF HEALTH STANDARDS BY REFERENCE

The requirements for sewage disposal systems, in addition to those below, shall be those contained in the most current version of "Waste Treatment Handbook: Individual Household Systems" as published by the New York State Department of Health which are hereby incorporated into and made a part of this ordinance. These standards shall apply until amended and then shall apply as amended. The provisions of this (ordinance)(regulation) shall control where more restrictive.

The following additional requirements and clarification relating to the above Handbook shall apply:

1. The "Separation Distance From Wastewater Sources" which appear in Table 1 of the current version shall be considered minimum acceptable distances. Distances to stream, lake or water course, as presented in the same table shall mean the distance from the waste water source to the mean high water mark of any stream, lake or water course. The separation distances from streams, lakes or water courses to both evapotranspiration absorption systems and sanitary privy pits should be 100 feet in both cases as opposed to the 50 feet in Table 1.



2. The minimum separation distance between the bottom of tile trenches, leaching pits or pit privies, and bedrock shall be 5 feet in all cases.
3. The minimum separation distance between the bottom of tile trenches, leaching pits or pit privies and the seasonal high ground water table shall be two feet except that when such systems are located within 200 feet of the mean high water mark of a lake, pond, river or stream, or the soil percolation rate for the sewage disposal leaching facility is faster than 3 minutes per inch, the standard minimum separation distance shall be increased to a minimum of 4 feet.
4. Seepage pits shall not be connected in series.
5. If groundwater is encountered during seepage pit excavation, the excavation shall be backfilled and compacted to a level which achieves the minimum required separation distance between the seasonal high groundwater and the bottom of the seepage pit.
6. The term "fill system" shall be defined as any sewage disposal system which has two or more feet of fill or where the bottom of the leaching trench or pit is located at or above original ground line. The following shall apply to all systems where fill is used, whether defined as fill systems or not.
  - a. Fill systems shall not be employed in areas with natural ground slopes steeper than 15%.
  - b. Fill systems shall not be employed in areas with seasonal high ground water or bedrock within 18 inches of the original ground surface. This condition shall be met in the fill area, in upslope and side slope directions for a distance of at least 25 feet and in downslope directions for a distance of at least 100 feet.
  - c. Side slopes of all fills shall be 2 horizontal on 1 vertical, or flatter.
7. The construction materials referred to in the Handbook meet the applicable American Society of Testing Materials (ASTM) standards. The following ASTM designations refer to the applicable standards.

House or Building Sewer.

Cast iron soil pipe and fittings (ASTM A74):  
Vitrified Clay Sewer pipe (ASTM C700):  
Concrete (ASTM): Asbestos Cement (ASTM \_\_\_\_\_):  
Bituminized Fiber (ASTM D1861) and Rigid Plastic  
ABS (ASTM D2751)  
PVC (ASTM D2729), Styrene Rubber (ASTM D2852).

Septic Tanks.

Steel (Underwriters Laboratory - UL70)  
Reinforced Concrete (ASTM - \_\_\_\_\_)  
Fiberglas (Canadian Standards Association -41-GP-18A-1971)

Distribution Boxes.

Reinforced Concrete (ASTM - \_\_\_\_\_)

Absorption Field Materials.

Clay Tile (ASTM - C4and C498);  
Bituminized Fiber (ASTM - D2312);  
Rigid Plastic ABS (ASTM - D2751), PVC (ASTM - \_\_\_\_\_);  
Stryene Rubber (ASTM - \_\_\_\_\_), and Polyethylene (ASTM - F405).

ARTICLE IV

PRE-EXISTING SYSTEMS

SECTION 4.010 CONTINUATION OF PRE-EXISTING SYSTEMS.

Subject to the provisions of this order, the use or maintenance of a properly functioning pre-existing individual sewage disposal system may be continued but it shall be unlawful to alter, enlarge, repair, or extend such systems except in conformity with the provisions of this order. This article shall not be construed to permit any unsafe use or structure, or permit such structures or their use when such structure or use constitutes a threat to public health, safety, welfare or environmental quality; permits the seepage of sewage waters to ground surface; or interferes with the enjoyment or use of property.

SECTION 4.020 REPAIR, ALTERATION, ENLARGEMENT OR EXTENSION OF A SYSTEM.

- A. It shall be unlawful to repair, alter, enlarge or extend a pre-existing individual sewage disposal system except that:
- 1) Minor repairs and minor alterations may be undertaken without a permit.

2) Major repairs, extensions or major alterations may be undertaken pursuant to a disposal system building permit.

B. It shall be unlawful to use any system that has been extended or undergone major repairs or major alterations unless a disposal system use permit is issued pursuant to Article VI of this order.

## ARTICLE V

### ALTERNATIVE SYSTEMS

#### SECTION 5.010 PURPOSE OF THIS ARTICLE.

The purpose of this article is to allow for alternatives to this order in certain defined situations.

#### SECTION 5.020 AUTHORIZATION TO GRANT OR DENY ALTERNATIVE SYSTEM.

Any proposal for an alternative to the requirements of this order shall be approved by the Zoning Board of Appeals in accordance with the standards and procedures set forth in this article. In approving such alternatives, the Zoning Board of Appeals may impose reasonable conditions, to protect the best interests of the surrounding property and to preserve the health, safety and general welfare of the town.

#### SECTION 5.030 APPLICATION FOR AN ALTERNATIVE SYSTEM.

A property owner, lessee or his duly authorized agent(s) may initiate a request for an alternative system by filing an application with the Development Administrator, using forms supplied by the Zoning Board of Appeals, which shall include all information reasonably considered by the Zoning Board of Appeals as necessary to make its findings under Section 5.040 of this order, supplied by the applicant, and including a legal description of the property, a map showing the property and all properties within a radius of five hundred (500) feet of the exterior boundaries thereof, plans and elevations necessary to show the proposed alternative system, and other plans, drawings or information reasonably considered necessary by the Board to an understanding of the proposed individual sewage disposal system and its relationship to surrounding properties. The Zoning Board of Appeals shall have authority to determine when the application is complete in accordance with the terms of this section. An application will not be considered complete until all application fees are paid.

SECTION 5.040 REQUIREMENTS FOR APPROVING PROPOSALS FOR  
ALTERNATIVE SYSTEMS.

A. Alternative Area or Distance Proposals.

A proposal to allow an individual sewage disposal system to be located on a lot or property which does not conform to the minimum setback requirements of Section 3.040 or to the minimum lot size requirements of Section 3.020 (c) of this order may be approved only in the event that all of the following circumstances are specifically found to exist by the Zoning Board of Appeals, and are each so stated in the Board's findings, and no such approval shall be valid unless all of the following circumstances are so found:

- 1) That the strict application of the minimum setback requirements or the minimum lot size requirement would result in a specified practical difficulty to the applicant, and
- 2) That the alternative proposed would not be materially detrimental to the purposes of this order, or to property or natural resources in the area in or near the site of the proposed individual sewage disposal system, or otherwise conflict with the description, purpose or the objectives of any plan or policy of the town, and that the alternative proposed is the minimum variation which would alleviate the specified practical difficulty as found by the Board to affect the applicant.

B. Alternative Ground Water Proposals.

A proposal to allow an individual sewage disposal system to be installed in a manner that does not comply with the separation requirements of the section in the D.O.H. Handbook on House or Building Sewers and septic tanks of this order may be approved only in the event that all of the following circumstances are specifically found to exist by the Zoning Board of Appeals and are each so stated in the Board's findings, and no such approval shall be valid unless all of the following circumstances are so found.

- 1) That the strict application of the separation requirements would result in extreme difficulty and extreme hardship.

- 2) That it is proved by the applicant beyond a reasonable doubt that the alternative proposal would not be materially detrimental to the purposes and objectives of this order, or to property or natural resources of the area in or around the proposed individual sewage disposal system or otherwise conflict with the description, purposes or objectives of any plan or policy of the town, and that the alternative proposed is the minimum variation which would alleviate the specified extreme difficulty or extreme hardship as found by the Board to affect the applicant.

C. Alternative Use Proposals.

- 1) A proposal to permit an individual sewage disposal system that has received prior approval of the Department of Environmental Conservation, the Department of Health,  
or prior approval of the town, that is other than a system specifically allowable in this order may be approved only in the event that all of the following circumstances are specifically found to exist by the Zoning Board of Appeals, and are each so stated in the Board's findings, and no such approval shall be valid unless all of the following circumstances are so found:
  - a) That the system proposed has received a valid permit from the Department of Environmental Conservation, or the  
Department of Health, or  
prior approval by the Town, which is presently in effect.
  - b) That the system will be installed on a lot meeting the minimum lot size criteria, if applicable, in a manner that insures that any component of the system leaching sewage or other polluted waters into or on the ground complies with the minimum separation requirements of the D.O.H. Handbook section on Absorption Field Separation Requirements, and the D.O.H. Handbook section on House or Building Sewers, septic tank components and design specifications, or an alternative area or distance proposal in regard to this system has been or will be approved by the Board.

- c) That the alternative proposed would not be materially detrimental to the purposes of this order, or to property or natural resources in the area in or near the site of the proposed individual sewage disposal system, or otherwise conflict with the description, purpose or the objectives of any plan or policy of the town.
- 2) A proposal to permit an individual sewage disposal system other than a system specifically allowable in this order if the proposal has not received a permit from the Department of Environmental Conservation, the Department of Health, or prior approval of the town, may be approved only in the event that all of the following circumstances are specifically found to exist by the Zoning Board of Appeals, and are each so stated in the Board's findings, and no such approval shall be valid unless all of the following circumstances are so found:
- a) That the strict application of this order's requirements or specifications for individual sewage disposal systems as provided for by this order would result in a specified extreme hardship and extreme difficulty to the applicant.
  - b) That the applicant has demonstrated beyond a reasonable doubt that approval of such an alternative system would not be materially detrimental to the purposes of this order, or to property in the area in which the individual sewage disposal system is to be located, or otherwise conflict with the objectives of any plan or policy of the town, and that the alternative system proposed is necessary to alleviate the difficulty or hardship found by the Board of Health to affect the applicant.
  - c) That the system will be installed on a lot meeting the minimum lot size criteria, if applicable, in a manner that insures that any component of the system leaching sewage into or on the ground complies with the minimum separation requirements of Section 3,020 and the D.O.H. Handbook section on Absorption Field and Separation Requirements, and House or Building Sewers, Septic Tanks or Components and design specifications, or that an alternative area or distance proposal in regard to this system has been or will be approved by the Board.

## ARTICLE VI

### ADMINISTRATIVE PROVISIONS

#### SECTION 6.010 DEVELOPMENT ADMINISTRATOR.

The Development Administrator shall have the power and duty to administer and enforce the provisions of this order. The Development Administrator shall be appointed at pleasure by the Zoning Board of Appeals and may be removed at pleasure by the Board. Persons adversely affected by an action, omission, decision or rule by the Development Administrator regarding a requirement of this order may appeal such actions or inactions only to the Zoning Board of Appeals, which shall render a decision regarding the appeal only after holding a hearing on the matter.

#### SECTION 6.020 REQUIRED RECORDS.

The original or a certified copy of all decisions, approvals, rulings and findings of any board under this order, and of all permits and certificates issued pursuant to this order shall be retained in the files of the Development Administrator as a permanent public record.

#### SECTION 6.030 APPEAL FROM ACTION OF ZONING BOARD OF APPEALS

An action, omission, decision or ruling of the Zoning Board of Appeals pursuant to this order may be reviewed at the instance of any aggrieved person in accordance with Article 78 of the Civil Practice Law and Rules, but application for such review must be made not later than sixty days from the effective date of the decision or ruling or the date when the action or omission occurred.

#### SECTION 6.040 FORM OF PETITIONS, APPLICATIONS AND APPEALS.

Unless otherwise stated, all petitions, applications and appeals provided for in this order shall be made on forms prescribed by the Zoning Board of Appeals. Completed forms shall be accompanied by whatever further information, plans or specifications as may be required by such forms.

#### SECTION 6.050 APPLICATION FEES.

Fees shall be paid upon the submission of petitions, applications, and appeals, provided for by the terms of this order in such amount or amounts as shall be established by the Zoning Board of Appeals from time to time. Such fees shall not be refundable.

SECTION 6.060 NOTICE OF PUBLIC HEARING.

When the Zoning Board of Appeals is required to hold a public hearing, as provided for by the terms of this order, notice of the hearing shall be given in the following manner:

- A. Each notice of hearing upon an application for the granting of an alternative system, or upon an appeal to the Zoning Board of Appeals from an action of the Development Administrator, shall be published once in the official newspaper of the town at least ten (10) days prior to the date of the hearing. In addition, at least fifteen (15) days prior to the date of the hearing, notices shall be mailed to the applicant, to each owner of record of the land involved in the application, to the County Department of Health, the Department of Environmental Conservation, to other agencies/commissions with jurisdictional interest, to all owners of property within five hundred feet of the exterior boundary of the property for which the application is made, as may be determined by the latest tax assessment records of the town and to persons showing that they may be adversely affected by the proposal.
- B. Any hearing may be recessed by the Board holding the hearing in order to obtain additional information or to serve further notice upon other property owners, or to persons it decides may be interested in the proposal being considered. Upon recessing, the time and date when the hearing is to be resumed shall be announced. No further notice or publication will be necessary.

SECTION 6.070 HEARINGS AND DECISIONS ON ALTERNATIVE SYSTEM APPLICATIONS OR APPEALS OF ACTION, OMISSION, DECISION, OR RULING OF THE DEVELOPMENT ADMINISTRATOR.

- A. Appeals of any actions, omissions, decisions or rulings of the Development Administrator must be instituted within sixty (60) days of the act, omission, decision, or ruling complained of.
- B. Within fifteen (15) days of receipt of a completed application for review of an action, omission, decision, or ruling of the Development Administrator, or completed application for an alternative system, the Zoning Board of Appeals shall give notice of a public hearing to be held on the application. Such hearing shall be held not less than fifteen (15) days nor more than thirty (30) days after the notice is mailed.



All persons entitled to notice under Section 6.060 shall be a full party in interest, with standing to participate in any and all proceedings under this article. Within thirty (30) days of the final adjournment of a public hearing called and held under paragraph (a) of this section, the Board shall affirm, modify or deny the action, decision or ruling of the Development Administrator or correct any omission by him, or approve, deny or approve with conditions the application for any alternative system. The decision of the Board shall be in writing and shall contain findings and the factual basis for each finding from the record of the hearing, which shall support the decision of the Board.

- C. As part of any decision the Board shall direct the Development Administrator to issue any appropriate permit in conformity with its ruling and shall state a time by which the permit shall be issued, in conformity with this ordinance.

#### SECTION 6.080 SITE INSPECTIONS.

- A. The filing of an application for an approval of an alternative system under Article V hereof, or an application for a disposal system building permit or disposal system use permit under Articles IV and VI hereof by a person shall be deemed a granting of approval by such person to the Zoning Board of Appeals, and the Development Administrator, and to such persons as they may designate, to conduct such examinations, tests, and other inspections of the sites which are the subjects of such applications, as the body or officer having jurisdiction deems necessary and appropriate for the purposes of this order; however, entrance upon the applicant's property, where practicable, shall be made only after reasonable prior notice to the applicant.

- B. The Development Administrator or his designee may inspect any individual sewage disposal systems within the town to insure that it is being maintained in proper working order, in compliance with this order and to insure that the system does not endanger the health, safety, welfare, or environmental quality of the community. It shall be unlawful for the owner or occupant of the property to deny such official free access to the property at reasonable times for the purpose of making such inspections as are necessary. Where practical, inspections shall be made only after reasonable notice to the owner or occupant. Where the Development Administrator determines that a system is not being maintained in compliance with this order, he may order that use of the system cease, that the defects be corrected, or misuse abated within a reasonable time. If the prescribed action is not taken within the time fixed by the Development Administrator, he may revoke the use permit for the system and/or refer the matter to the town Zoning Board of Appeals for appropriate corrective action.

SECTION 6.090 APPLICATION FOR, AND ISSUANCE OF, PERMITS.

- A. It shall be unlawful for any person to construct, alter, repair or extend an individual sewage disposal system within the town unless a disposal system building permit has been issued therefore, except that an individual may institute minor repairs, minor alterations or emergency repairs without a permit.
- B. It shall be unlawful for any unauthorized person to utilize any individual sewage disposal system unless a disposal system use permit has been issued therefore.
- C. Applications for disposal system building permits may be made only by the owner or lessee of the lot for which the system is proposed or his duly authorized agent or assigns and shall be in writing, signed by the applicant in such form as the Zoning Board of Appeals shall determine. Applications shall be submitted to the Development Administrator and include such information as the Zoning Board of Appeals and Development Administrator shall require and shall include the following:

- 1) The name and address of the applicant.
- 2) Specific location of the property on which the construction, alteration, repair or extension is proposed.
- 3) A plan of the proposed disposal system with substantiating data attesting to compliance with the minimum standards set forth in this order.
- 4) A sketch of the property showing the location of the proposed construction, alteration, repair, or extension and including delineation of the property lines and sources of water supply for the property and adjoining properties.
- 5) Evidence to demonstrate to the satisfaction of the Development Administrator that there is no sanitary sewer available into which the sewage can be discharged from plumbing facilities on the proposed building site, or that it is impracticable to discharge sewage from on-site plumbing facilities into a sanitary sewer system.
- 6) The percolation rate for the site of the proposed facility. The percolation rate shall be determined by one of the following methods:
  - a) For systems that will utilize leach fields, the percolation rate shall be determined by conducting at least one percolation test on the proposed site of the sewage disposal system. The results of the test will be the percolation rate.
  - b) For systems that will use seepage pits, the percolation rate shall be determined by making one percolation test at the half way depth of the proposed facility and one at the full anticipated depth of the proposed facility. The two results shall be averaged to obtain the overall percolation rate.
  - c) Where nonhomogenous soils are encountered, the percolation rate shall be determined by computing the weighted average (by soil thickness) of percolation tests that shall be conducted for each soil layer.

- d) The Development Administrator may verify the results of such percolation tests and require all such information from the applicant necessary for such review; alternatively, the Development Administrator in his discretion shall designate the individual to conduct this test.
- 7) Site data which might affect, or be affected by, the proposed system including but not limited to specifications regarding soil type, topography, depth to seasonal high ground water, depth to impervious material, depth to bedrock, distance to surface bodies of water. The determination of depth to seasonal high ground water shall be made in the months of March, April and May within one month of the time that the frost leaves the ground. If such determination is made at other than such times, the seasonal high ground water shall be evaluated and certified by a soil scientist approved by the Zoning Board of Appeals. All determinations shall be accompanied by a detailed statement of the testing methods used as well as the basis for the determination. The Development Administrator shall determine whether or not an application is complete.
- D. The Development Administrator shall have the authority to require certification or retesting to verify information submitted as part of the application.
- E. The Development Administrator may conduct such investigations, examinations, tests and site evaluations as he deems necessary to verify information contained in an application for a sewage disposal building permit and the applicant or owner of land on which the system is proposed shall grant the administrator or his agents permission to enter on his land for these purposes.
- F. The Development Administrator shall not issue a disposal system building permit unless he is specifically ordered to do so by the Zoning Board of Appeals pursuant to Section 6.070 of this order, or until all pertinent site data has been submitted, verified and certified as required by this order, all permit fees have been paid, and the Development Administrator has determined that the alteration, repair or construction as proposed in the application complies with all the specifications contained in this order.

- G. It shall be the duty of the holder of the disposal system building permit to notify the Development Administrator when the installation is ready for inspection. The inspection shall be made within seventy-two (72) hours or as soon thereafter as practical after receipt of written notice by the Development Administrator, excluding Saturdays, Sundays or holidays. The Development Administrator may also make inspections during construction to insure that the system is being installed in accordance with the application and this order. Any part of any installation which has been covered prior to final approval shall be uncovered upon order of the Development Administrator. A disposal system use permit shall not be granted by the Development Administrator until the Development Administrator has determined that the individual sewage disposal system has been installed in compliance with the application and this order, or an order of the Zoning Board of Appeals pursuant to Article V of this order. The Development Administrator may make such a determination only after he has made an on-site investigation of the system or received a certification from the individual designing and installing the system, that a system conforms to the specifications as set forth in the application and this order, or an order of the town Zoning Board of Appeals pursuant to Article V of this order. The Development Administrator may withhold a determination until after an on-site investigation has been completed notwithstanding that the system has been certified as properly installed and designed.
- H. The Development Administrator may disapprove an application for a disposal system building permit, if in his discretion, he determines:
- 1) That the individual sewage disposal system, as proposed, will not conform to the requirements, or specifications, of this order or an order of the Zoning Board of Appeals.
  - 2) That the applicant has failed to supply all data necessary to make a determination as to whether or not such individual sewage disposal system conforms to the requirements or specifications of this order and has failed to supply such information for sixty (60) days after a written request for such additional information has been mailed.
  - 3) The applicant has failed to pay all necessary fees and has failed to make such payment for sixty (60) days after notice of such non-payment has been mailed.

- I. The Development Administrator may, by written notice, order all further work in and about any individual sewage disposal system which is being erected or installed in violation of this order to be stopped forthwith.

#### SECTION 6.100 RECORDING OR EXPIRATION OF PERMITS.

Any permit issued pursuant to this order shall expire within sixty (60) days from the date of issuance thereof unless within such sixty-day period such permit shall have been duly recorded by the applicant in the office of the clerk of the county wherein the disposal system is to be located.

#### SECTION 6.101 EXPIRATION OF PERMITS GENERALLY.

If a system for which a permit has been issued pursuant to this order is not in existence within two (2) years after the issuance of such permit, said permit shall expire, and the system may not thereafter be installed unless a new permit has been applied for and issued in the same manner and subject to all provisions governing the initial application for and issuance of a permit, unless the terms of the permit for the system provide for a longer period of time, in which case the permit shall expire at the end of that longer period.

### ARTICLE VII

#### ENFORCEMENT

#### SECTION 7.010 PENALTY.

Any person owning, controlling or managing any building, structure, land, or premises therein or whereon there shall be placed on or there exists a structure or system in violation of this order; and any person who shall commit or assist in the commission of any violation of this order, or who shall build, erect, construct, or attempt the same, any structure contrary to the plans or specifications submitted to the authorized official and by him certified as complying with this order; and any person who shall omit, neglect, or refuse to do any act required by this order, shall be subject to a fine of not more than five-hundred dollars (\$500) to be recovered by the Town Board in any court of competent jurisdiction. Every such person shall be deemed guilty of a separate offense for each day that such violation, disobedience, omission, neglect or refusal shall continue. Where the person committing

such violation is a partnership, association or corporation, the principal executive officer, partner, agent or manager may be considered to be the person for the purposes of this article.

#### SECTION 7.020 ALTERNATIVE REMEDY.

In case of any violation or threatened violation of any of the provisions of this order, in addition to other remedies herein provided, the Town Board may institute any appropriate action or proceeding to prevent unlawful erection, structural alteration, repair, reconstruction, moving and/or use, to restrain, correct or abate such violation to prevent the use of the individual sewage disposal system or to prevent any illegal act, conduct, business or use regarding such disposal system.

#### SECTION 7.030 MISREPRESENTATION.

Any permit or approval granted under this order which is based upon or is granted in reliance upon any material misrepresentation, or failure to make a material fact or circumstance known, by or on behalf of an applicant, shall be void. This section shall not be construed to affect the remedies available to the Town Board under Sections 7.010 and 7.020 of this order.

### ARTICLE VIII

#### MISCELLANEOUS PROVISIONS

#### SECTION 8.010 INTERPRETATION.

Where the conditions imposed by any provision of this order are less restrictive than comparable conditions imposed by any other provisions of this order, or of any other statute, ordinance, local law, order, rule, regulation or provisions which are more restrictive shall govern.

#### SECTION 8.020 SEVERABILITY.

The provisions of this order are severable. If any article, section, subsection or provision of this order shall be invalid, such invalidity shall apply only to the article, section, subsection or provisions adjudged invalid, and the rest of this order shall remain valid and effective.

SECTION 8.030 SAVINGS CLAUSE.

The adoption of this order shall not affect or impair any act done, offense committed or right accrued or acquired or liability, penalty, forfeiture or punishment incurred prior to the time this order takes effect under the order relative to areas in the town.

SECTION 8.040 EFFECTIVE DATE.

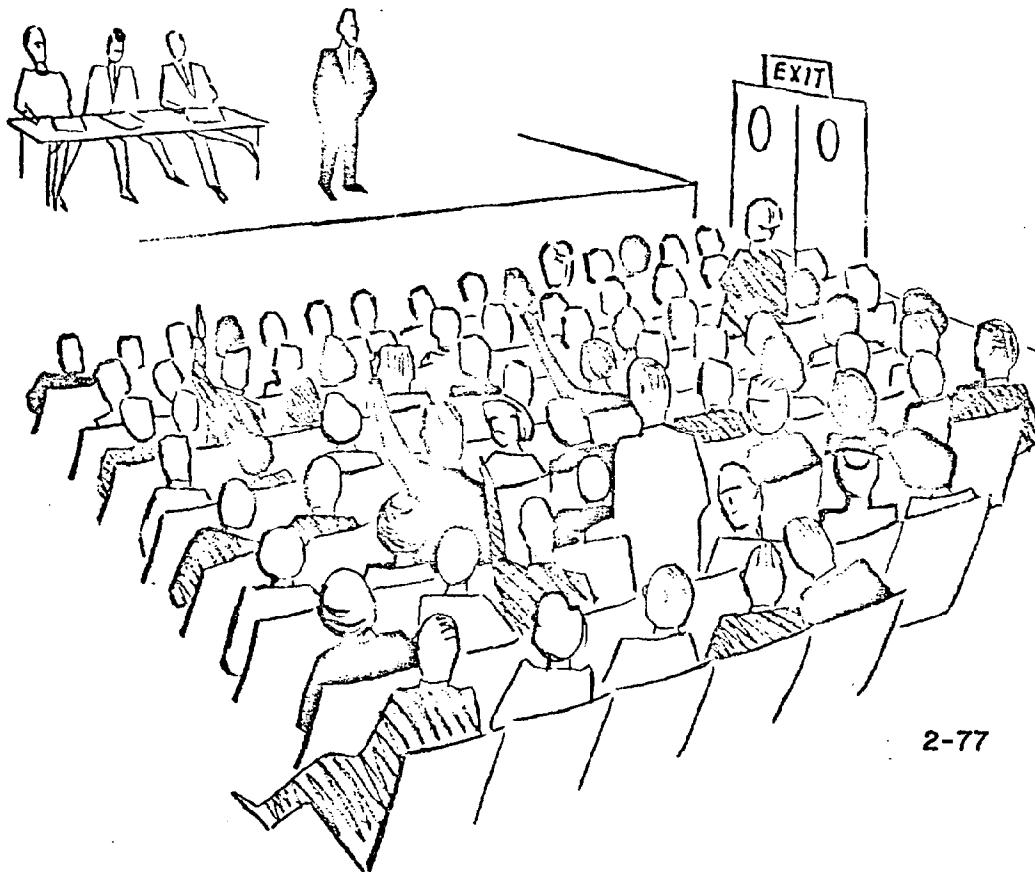
This order shall take effect and be in force ten (10) days after its passage, publication and filing as prescribed by Section 308 of the Public Health Law.



APPENDIX C

Program Summary for  
Interested Citizens

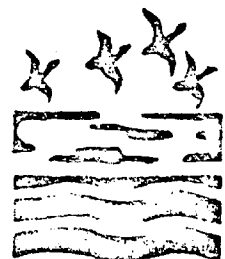
# PROGRAM SUMMARY FOR INTERESTED CITIZENS



2-77

ST. LAWRENCE - EASTERN ONTARIO  
COMMISSION

317 WASHINGTON STREET  
WATERTOWN, NEW YORK  
13601

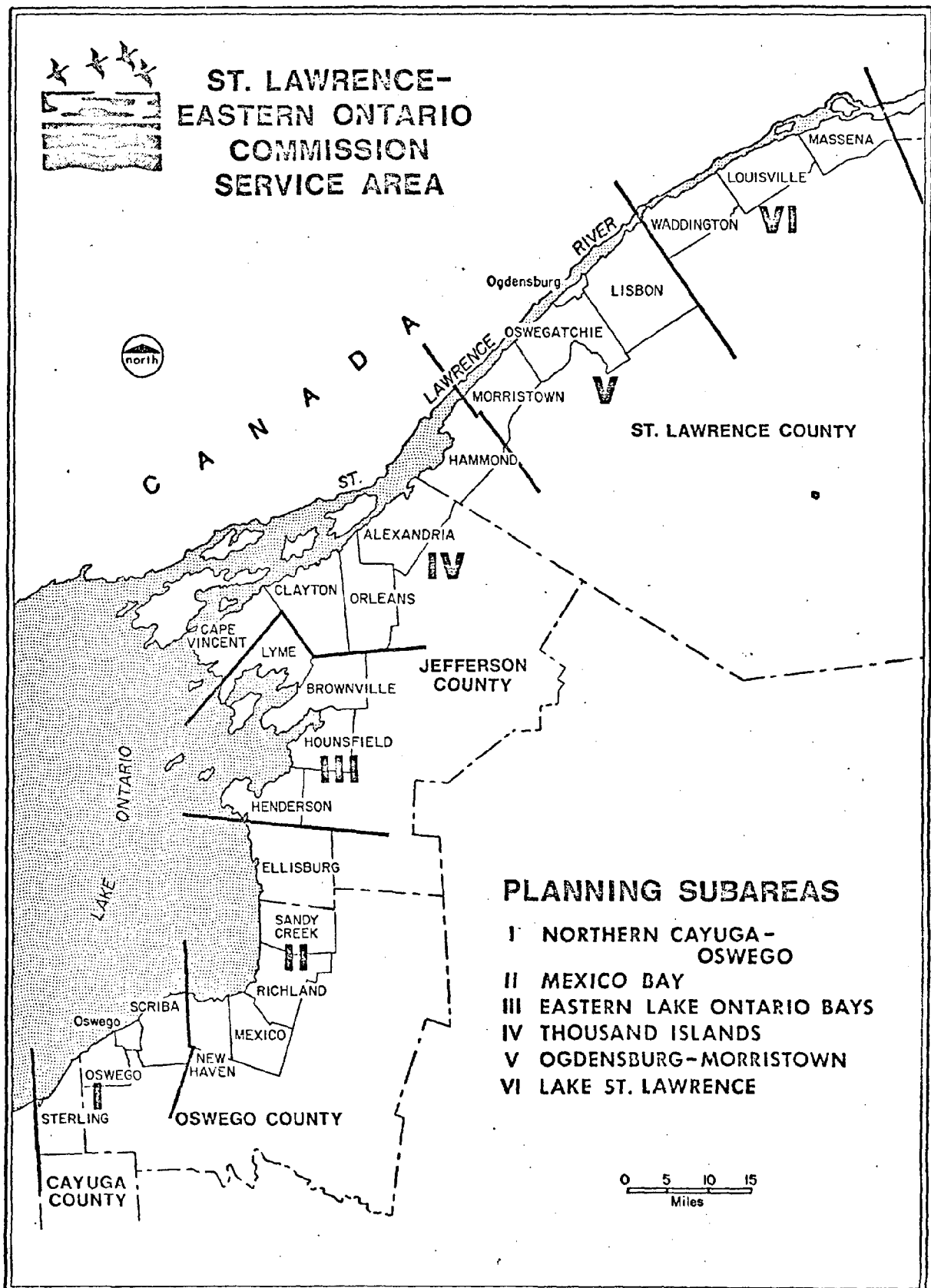


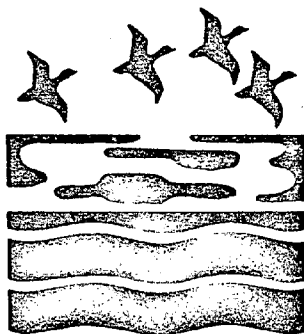


**ST. LAWRENCE-  
EASTERN ONTARIO  
COMMISSION  
SERVICE AREA**



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"THE PROBLEMS NEW YORK STATE ANTICIPATES  
FOR ITS MOUNTAINOUS REGIONS HAVE  
ALREADY COME TO OUR COASTLINES."

THE ST. LAWRENCE-EASTERN ONTARIO COMMISSION

PROGRAM SUMMARY  
FOR  
INTERESTED CITIZENS

Charles W. Kelly  
Chairman

William E. Tyson  
Executive Director

St. Lawrence-Eastern Ontario Commission  
317 Washington Street  
Watertown, New York 13601  
(315) 782-0100 Ext. 263

## PROGRAM SUMMARY FOR INTERESTED CITIZENS

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STAFF

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## I. INTRODUCTION

In response to the accelerated deterioration of the natural resources of the St. Lawrence River Valley and Eastern Lake Ontario shorelands, the New York State Legislature created the St. Lawrence-Eastern Ontario Commission.

The agency's service area includes twenty-three shoreline towns and two cities in St. Lawrence, Jefferson, Oswego and Cayuga Counties. This represents more than 400 miles of shoreline, more than 1,000 islands, and about 1,000,000 acres of land. The region has about 117,000 permanent residents and is the summer playground for millions of Americans and Canadians.

The Commission is composed of seventeen commissioners, who are supported by a 14-member staff. The commissioners are appointed by the Governor with the advice and consent of the State Senate.

There are four commissioners from both St. Lawrence and Jefferson Counties, three from Oswego, and one from Cayuga County. Representation reflects the proportion of shoreline of each county in the Commission's service area. In addition, two state residents from outside the area serve on the Commission.

Ex officio members include the Commissioner of Environmental Conservation, the Commissioner of Commerce, and the Secretary of State.

ST. LAWRENCE-EASTERN ONTARIO COMMISSION

St. Lawrence County:

Charles W. Kelly, Chairman  
Carl F. Cameron  
Patricia C. Mason  
Herman L. Shulman, Vice-Chairman

Ogdensburg  
Massena  
Gouverneur  
Potsdam

Jefferson County:

Lewis V. Branche  
William L. Curtis, Jr.  
Michael A. Eckert  
Betty G. McLean, Secretary

Cape Vincent  
Sackets Harbor  
Watertown  
Carthage

Oswego County:

Norma A. Bartle  
Louis W. Kent  
Hugh C. Nicholson

Oswego  
Oswego  
Pulaski

Cayuga County:

Merton J. Mahaney

Martville

At Large:

Donald C. Hartley  
William F. Stack

Ticonderoga  
(Essex County)  
Manlius  
(Onondaga County)

Ex-Officio:

Hon. Peter A.A. Berle

Commissioner, Dept. of  
Environmental Conservation

Hon. Mario M. Cuomo

Secretary of State

Hon. John S. Dyson

Commissioner, Dept. of  
Commerce



The Commission's purpose is to preserve, enhance and develop the scenic, recreational, historical and natural resources of the region, and to design programs that will encourage the full development of the commercial, industrial, agricultural and residential resources.

In late 1976 the Commission, recognizing the need to fully integrate its program with the statewide coastal zone management effort, voted unanimously to authorize the introduction of an amendment to its state statute. The Commission's current legislation was passed before New York State decided to participate in the coastal zone management program. Since the Commission has been working in the coastal zone for some time, it will be possible to submit a plan for our area meeting federal guidelines to the Governor and State Legislature by January 1978.

## II. THE COASTAL ZONE MANAGEMENT PROGRAM

In order to protect and manage our nation's limited yet valuable coastal resources, Congress passed the Coastal Zone Management Act of 1972. This law provides federal funds to coastal states for development and implementation of statewide management programs to preserve, protect, develop and where possible, restore or enhance our coastal resources.

New York State decided to participate in this program in the fall of 1974. The Department of State has the responsibility for administering the statewide coastal zone management program.

One important element of this program is that interested public and private parties must have the opportunity for full participation in the development of the management plan.

The program provides a number of opportunities:

- to integrate a broad range of public, local and regional interests into a statewide coastal zone planning process.
- to ensure a balance between economic, social and ecological concerns in the coastal zone.
- to promote efficiency and coordination in the development of our coastal areas.

New York's coastal zone includes the saltwater shores of Long Island and New York City, the tidal waters of the Hudson River as far as the city of Troy, and freshwater shoreline of Lake Erie, Lake Ontario and the St. Lawrence River.

### III. THE COMMISSION'S WORK PROGRAM

#### 1) Coastal Zone Management Plan

The Commission must prepare a coastal zone management plan meeting federal criteria. There are seven major elements to be included which are listed with some of the significant requirements:

(a) Boundaries of the Coastal Zone -- The plan must identify the boundaries of the coastal zone (the area where land and water uses have a direct and significant impact on coastal waters).

(b) Land and Water Uses -- The plan must set forth permissible land and water uses in the coastal zone, identify uses of lowest priority, and include broad policies concerning relative priority of uses in areas designated Geographic Areas of Particular Concern.

(c) Geographic Areas of Particular Concern -- For this element, the plan must designate areas of special concern which are of more than local interest within our area's coastal zone. In addition, the plan will designate areas of conservation, recreational, ecological or esthetic value for the purpose of preservation restoration.

(d) Public and Governmental Involvement -- The plan must list major issues and problems within or affecting our coastal zone; objectives for inter-agency and inter-governmental coordination and arrangements for dealing with these major issues; objectives for protecting and developing the coastal zone; and policies for protecting and conserving geographic areas of particular concern. All concerned public and private interests must have an opportunity to participate in development of the coastal zone management program.

(e) State-Federal Interaction and National Interests -- The plan must provide consideration of the national interest involved in certain activities or siting facilities to meet more than local needs. These would include interstate recreation, energy production and transmission, interstate

transportation and other needs.

(f) Organization -- This element requires a description of how control will be exercised over land and water uses in our coastal zone. In addition, the plan must designate one agency to receive and administer management program grants for our area. Assurance must be provided that all present or future uses in our coastal zone will be controlled by one or a combination of: 1) local implementation subject to state standards and review; 2) direct state land and water use planning and regulation; or 3) state review of all public and private plans affecting land or water uses in the coastal zone.

(g) Authorities -- The plan must identify the authority to control permissible land and water uses and to exclude uses not permissible within our coastal zone. In addition, assurance must be provided that agencies responsible have the necessary authority to administer land and water regulation, control development, resolve conflicts between competing uses, and acquire interest in real property through condemnation and other means as necessary.

2) Project Review

The Commission has the responsibility to review proposed projects within its service area. It reviews proposed construction, land development and other projects which may damage natural or historic resources, or change the appearance and use of the area's land and waters.

This process is designed to encourage public and private development which reflects a careful balancing of all the interests in our region while respecting the natural environment. During the course of project review, sponsors often make improvements necessary to make the project environmentally compatible.

The Commission applies certain criteria to determine whether a proposed development might have an unreasonably adverse effect on the scenic, historic, recreational and natural resources of our area. Some of the factors considered include pollution of air and water, drainage, flooding and soil erosion, effects on local services and facilities, and local and regional economic impacts.

### 3) High Water Report

In 1973 the State Legislature directed the Commission to study the problem of controlling water levels on Lake Ontario and the St. Lawrence River. The agency was to make recommendations to federal, state, municipal and private agencies involved.

In March 1975 the Commission published a 290-page report analyzing the impact of high water levels from January 1973 through August 1974. The report's study area included New York shorelands along the Lake and River.

To correct the situation, the Commission recommended that water level regulation criteria established by the International Joint Commission be reexamined. In addition, the agency called for acceleration and expansion of flood

damage reduction programs and for use of structural protection techniques in certain developed areas.

The use of structural protection in undeveloped areas should be limited, the report said, with greater emphasis on flood plain management techniques to minimize damages.

The report noted that in the absence of effective flood plain management regulations, development has occurred in areas where it is not compatible with environmental limitations. Consequently, these areas have experienced great amounts of damage from high water levels.

Recommendations made in the Commission's report, if implemented, should lead to a reduction of the total negative impact experienced along the waterway due to high water levels. The Commission continues to monitor the high water situation and efforts by other agencies to lessen negative impacts.

#### 4) Oil Spill Impact Study

The Commission is currently administering a two-year oil spill research study based on the June 1976 oil spill in the St. Lawrence River. The study's purpose is to provide information on the economic and environmental impacts of oil spills in order that methods can be developed to help minimize negative impacts of future spills.

Primary source of funding for the study is the U. S. Environmental Protection Agency (EPA). Representatives of U. S. and Canadian agencies serve on the study's steering committee.

One objective of the two-year study is comparing actual clean-up efforts with priorities set forth in a sensitivity plan developed by a research firm for EPA. This plan proposed clean-up priorities for the June 1976 spill based on environmental and economic criteria.

Another objective is to evaluate the movement and incorporation of hydrocarbon compounds into aquatic food webs in the impacted shorelands. The study will also assess other environmental, economic and social impacts of the oil spill.

#### 5) Shoreline Damage Surveys

Recognizing the Commission's expertise, the U. S. Army Corps of Engineers contracted with the agency to collect information for the design of a program to minimize flood and erosion damage to waterfront property owners on the Great Lakes. In 1975 the Commission did a shoreline damage survey in Oswego County and during 1977 will conduct similar surveys in St. Lawrence, Jefferson, Cayuga and Wayne Counties.

Questionnaires and interviews are used to gather information from all shoreline property owners. Information collected will be used by the Corps of Engineers to develop engineering programs for emergency shoreland protection and federal projects designed to prevent damage from high water levels. It will also offer guidance for federal flood insurance and disaster relief programs.

6) Winter Navigation Studies

Congress has directed a special Winter Navigation Board to study the feasibility of winter navigation on the St. Lawrence River. One of the Board's members, the Seaway Development Corporation, has asked the Commission to conduct certain studies which are now underway.

The study's purpose is to gather information to aid in determining what effect winter navigation may have on shoreline erosion rates and shore structures. This is one of many studies being conducted concerning the proposed extended navigation season.

In 1976 the Commission conducted a study of possible impacts by winter navigation on winter recreation activities on the St. Lawrence River. This was done for the Bureau of Outdoor Recreation, U. S. Department of the Interior.

7) Water Quality Studies

Because there was little information about water quality in embayed areas of our shoreline, the Commission conducted a study of Chaumont Bay in Jefferson County from July 1974 to July 1975. Eighteen stations were set up in Chaumont Bay and five stations in its tributaries. Information was collected on eighteen different parameters such as total and fecal coliforms, dissolved oxygen, phosphates, nitrates, pH and alkalinity.

Study results identified two important problems. High bacterial counts at certain stations indicated a potential



health hazard. Inadequately treated wastes, either human waste via poorly functioning septic systems or animal waste in runoff from agricultural lands or both, are entering the bay water. These wastes may contain disease-causing bacteria and viruses which can infect persons coming in contact with the contaminated water.

A second problem is excessive amounts of phosphate in the bay. This is probably the cause of increased growths of weedbeds and algae.

The Commission has also taken water quality samples in other nearshore areas along the St. Lawrence River and Eastern Lake Ontario as well as in some inland waters.

8) Salmonid Fishery Supportive Facilities Report

Stocking of salmonids (salmon and trout) was begun in the tributary streams of Eastern Lake Ontario in 1969. This produced a new and rapidly-growing sport fishery.

In 1975 the Commission prepared a comprehensive plan which identified additional facilities and services needed to support the fishermen and their families. It also listed suitable locations for needed facilities, detailed actions to implement the plan's proposals, and recommended priorities for investment by public agencies.

A year later, however, a ban was placed on possession of certain fish species including salmonids taken from Lake Ontario. The ban was due to mirex contamination.

What is at stake is an industry which the Commission estimates could have an economic impact of \$14-million

annually in the early 1980's. As many as 100,000 fishermen may visit the area if the toxic chemical problem is resolved. The key to this potential economic activity is construction of a salmonid fish hatchery on the Salmon River in Oswego County.

The Commission's report provides guidance to local and state agencies in planning for this new industry. Many existing facilities and services will be inadequate to meet the expected demands and plans for their improvement will be required.

#### 9). Soils Survey Programs

The lack of accurate and detailed soils information has long been a handicap to effective planning and development in our area. As yet, only Cayuga and Oswego Counties have completed new soils surveys.

The Commission has on its staff a soil resource specialist from the U. S. Department of Agriculture. His work involves evaluation and interpretation of soils information for the Commission.

The agency has in the past entered into agreements with the Soil and Water Conservation Districts of St. Lawrence and Jefferson Counties. Under these agreements, Commission funds enabled the districts to accelerate soil survey programs in their shoreline towns. This insured a higher priority of mapping in the coastal zone as well as speeding completion of the surveys.

Ultimately the four counties will have up-to-date soils interpretations that insure similar soils in the entire coastal

area are evaluated comparably.

10) Resource Users Survey

To increase public input, the Commission conducted a resource users survey in its service area in 1976. Permanent and seasonal home owners and visitors were polled.

A questionnaire was mailed to 1100 property owners, half of whom were permanent residents and half seasonal residents. Names were selected in a random manner to make the results more representative of the Lake and River shorelands.

Those surveyed were asked about problems facing shoreland owners, environmental degradation, the specific resources they use, services and facilities they need and use most, and other subjects.

During the summer nearly 400 visitors were surveyed at public and private campgrounds, marinas and trailer parks to determine their perceptions and concerns for our area.

Information collected will help the Commission prepare a coastal zone management plan which is responsive to the needs of people who live in and visit the area.

#### IV. LOCAL CITIZEN INVOLVEMENT

Many of the commissioners themselves are residents of the four-county service area, providing valuable local input to the agency's work program. The Commission also sends information to and meets with local government officials for their input.

In addition, the agency has established citizen advisory committees. Nearly 150 private citizens have volunteered their time and energy in this important activity. These committees are organized geographically by planning subarea.

From north to south, these planning subareas are: Lake St. Lawrence; Ogdnesburg-Morristown; Thousand Islands; Eastern Lake Ontario Bays; Mexico Bay; and Northern Cayuga-Oswego.

Out-of-area state residents concerned with our coastal resources have also volunteered their help. Some of these citizens are seasonal residents of our area.

Some of the fields of interest represented on these committees are agriculture, economic development, environmental management, historic/cultural, natural resource development, real estate economics, recreation, and water resources. These citizen advisors may hold meetings, but most of their work is individual review and comment of draft Commission reports.

All of this activity encourages greater participation by residents and local officials in the Commission's planning process. Interested citizens are also encouraged to participate in the agency's public information sessions and hearings held in the area.

#### V. THE CURRENT YEAR

The Commission has a state budget of \$200,000 for fiscal year 1977-78 ending March 31, 1978. Its operating budget is about \$400,000 since the agency is receiving other than state funds for special studies related to its work program. These

studies will provide more information needed to prepare our area's coastal zone management plan.

To provide interested citizens and agencies with information about the condition and future of some of our valuable coastal resources, the Commission is publishing a series of technical reports. The first report dealt with goals and objectives for coastal resource development. The agency's second report is about our area's geology. These published reports are available in area public and college libraries.

Future technical reports will deal with such subjects as soils, agricultural resources, our area's fishery, upland wildlife resources, water resources, and other topics.

In addition, the Commission is preparing a report of preliminary findings concerning our area's resources. This report will be submitted to the Governor and State Legislature in late spring.

The most important task in 1977 will be preparation of the area's coastal zone management plan. Standards and guidelines developed through the combined efforts of the Commission, other agencies and the public will become part of the state's management program.

## APPENDIX A

### THE COMMISSION CONCEPT

As an intermediary, the St. Lawrence-Eastern Ontario Commission:

- can remove the burden of sensitive land-use decisions (involving natural resource protection) from local elected and appointed officials.
- allows local business and professional interests (community leaders as Commission members) to understand the need for a balanced program of economic-environmental trade-offs.
- provides for the recognition (with at-large and cabinet members as Commissioners) that local resources have state and national significance.
- provides a greater return for public dollars invested.
- will minimize the feeling that "the state is telling us what to do with our land."
- achieves a regional coastal zone management which recognizes natural resources criteria as planning boundaries.
- will produce a product at the scale necessary to solve non-point pollution sources.
- could possess authority to protect critical resources unique to the Great Lakes shoreline.
- provides technical assistance (objectively) at an economy of scale not possible at the local government level.
- fills the void created by the absence of local ordinances.
- fills the void created by poorly drawn or improperly administered ordinances.

## APPENDIX B

### ST. LAWRENCE-EASTERN ONTARIO COMMISSION STAFF

#### Administration

William E. Tyson / Executive Director

G. L. Harder / Deputy Executive Director

Edward H. Cole / Counsel

Jan M. Lozo / Secretary to Executive Director

#### Coastal Resource Planning, Research and Development Unit

Daniel J. Palm / Principal Coastal Zone Resource Analyst

Robert L. Anderson / Coastal Zone Resource Analyst

John E. Shattuck / Research Aide

#### Coastal Resource Analysis Unit

Barbara J. Rockhill / Coastal Zone Research Technical Specialist

Thomas M. Cutter / Senior Natural Resource Planner

Roger J. Case / Soil Resource Specialist (IPA)

#### Community Relations and Production Unit

Peter C. Strakulski / Public Information Officer

Steven N. Meyer / Senior Cartographer

#### Operations and Stenographic Services

Roger W. Davis / Principal Account Clerk

Ardis M. Bolton / Senior Stenographer

## APPENDIX C

### ST. LAWRENCE-EASTERN ONTARIO COMMISSION

#### GENERATION OF OTHER THAN STATE FUNDS

Community Planning Assistance Program (Shoreline Study of Natural Resources)	\$ 30,000
U.S. Army Corps of Engineers (Oswego County Shoreline Damage Study)	16,500
Coastal Zone Management Act (First Year) (Coordinate Two Regional Planning Board Efforts)	5,000
Coastal Zone Management Act (Second Year) (Prepare Resource Management Program)	50,000
U.S. Department of Agriculture (Accelerated Soil Mapping in Coastal Zone)	
Soil Scientist assigned to Commission	22,000
Additional Federal Personnel in field	16,000
Cogar Foundation to SUNY Forestry (Remote Sensing Demonstration-Chaumont Bay)	23,000
New York State Sea Grant (Marsh Vegetation and Pike Productivity Studies)	23,000
U.S. Department of the Interior (Study of Year-Round Navigation's Impact on Winter Recreation-St. Lawrence River)	15,000
U.S. Environmental Protection Agency (St. Lawrence River Oil Spill Impact Study)	200,000
U.S. Army Corps of Engineers (St. Lawrence, Jefferson, Cayuga and Wayne County Shoreline Damage Surveys)	69,346
Seaway Development Corporation (Study of Year-Round Navigation's Impact on Shoreline Erosion Rates and Structures)	18,000
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TOTAL	\$487,846



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